

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

D3 INTERIORS, INC., a Nebraska
corporation,

Plaintiff,

v.

OHIO NATIONAL LIFE ASSURANCE
CORPORATION,

Defendant.

Case No. _____

(District Court of
Douglas County, Nebraska,
Case No. CI 12-8154)

NOTICE OF REMOVAL

To: D3 Interiors, Inc., its attorneys, and the Clerk of the United States District Court for the District of Nebraska.

Defendant, Ohio National Life Assurance Corporation ("Ohio National"), gives notice of the removal of the above-captioned action from the District Court of Douglas County, Nebraska, to the United States District Court for the District of Nebraska. In support of this notice, Defendant states and alleges as follows:

1. Plaintiff filed the above-captioned action on August 29, 2012, in the District Court of Douglas County, Nebraska, Case No. CI 12-8154. Defendant first received a copy of the Complaint by certified mail on September 28, 2012. Accordingly, this Notice of Removal is filed pursuant to 28 U.S.C. § 1446 within 30 days of the Defendant's first receipt of the Complaint.

2. This Court has original jurisdiction over the issues presented in the Complaint pursuant to 28 U.S.C. § 1441(a) and (b) and 28 U.S.C. § 1332. The parties are citizens of different states, and are not citizens of the same state. The Plaintiff is a citizen of the State of Nebraska. The Defendant is a corporation organized and existing pursuant

to the laws of the State of Ohio, with its principal place of business in Cincinnati, Ohio. The Complaint seeks damages for an alleged breach of contract in the sum of \$175,020.00, plus interest and attorney fees. Accordingly, without admitting or acknowledging the scope or extent of Plaintiff's claim, the allegations of the Complaint serve to place at issue an amount in controversy in this action, exclusive of interest and costs, exceeding the sum of \$75,000.

3. True and correct copies of all process, pleadings, and orders served upon Defendant in the state action are attached and incorporated by this reference as Exhibit 1.

4. A true and correct copy of the Notice of Removal that has been filed with the Clerk of the District Court of Douglas County, Nebraska, is attached and incorporated by reference as Exhibit 2.

WHEREFORE, Defendant respectfully provide notice of the removal of this action from the District Court of Douglas County, Nebraska, to the United States District Court for the District of Nebraska, and prays for such further relief as this Court finds appropriate.

REQUEST FOR PLACE OF TRIAL

Defendant respectfully requests that the trial of this action be held in Omaha, Nebraska.

Dated this 3rd day of October, 2012.

OHIO NATIONAL LIFE ASSURANCE
CORPORATION, Defendant.

By: s/Steven D. Davidson
Steven D. Davidson
of: BAIRD HOLM LLP
1500 Woodmen Tower
1700 Farnam Street
Omaha, Nebraska 68102
(402) 344-0500
Its Attorneys

CERTIFICATE OF SERVICE

I hereby certify that on October 3, 2012, a true and correct copy of the foregoing was sent by United States mail, first class postage prepaid, to the following:

Melany S. O'Brien
Terry Anderson
Hauptman, O'Brien, Wolf & Lathrop, P.C.
1005 South 107th Ave., Suite 200
Omaha, NE 68114

s/Steven D. Davidson

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